

AFFIDAVIT

I, Caitlin Moynihan, having been duly sworn, do depose and say as follows:

1. I am a Special Agent with Homeland Security Investigations (HSI). HSI is a directorate within Immigration and Customs Enforcement (ICE). ICE is a subordinate component of the Department of Homeland Security (DHS) and the successor to many of the law enforcement powers of the former Immigration and Naturalization Service and the former U.S. Customs Service. I have been a Special Agent since October 2009. I graduated from the Federal Law Enforcement Training Center in April 2010. I am currently assigned to the Burlington, Vermont Resident Agent in Charge Office. I hold a Bachelor of Arts degree in sociology from Providence College. Throughout my time with HSI, I have gained experience, through training and everyday work, in investigating violations relating to child exploitation and child pornography.

2. This Affidavit is offered to demonstrate that probable cause exists to believe that on or about January 14, 2018, Brendan SULLIVAN, of 26 Watkins Road, Milton, Vermont, knowingly possessed visual depictions that had been shipped or transported using any means or facility of interstate commerce, including by computer, and the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct in violation of 18 U.S.C. §2252(a)(4)(B).

3. I have not set forth all facts I know from my investigation into this matter. Rather, I have included those facts I believe establish probable cause to believe that Brendan SULLIVAN committed the foregoing offense. My knowledge comes from my own investigation in this matter, and my communications with other law enforcement personnel about SULLIVAN.

PROBABLE CAUSE

4. On April 13, 2018, I obtained a warrant to search a residence located at 6 Adrien Drive in Jericho, Vermont (the Search Warrant), for evidence related to the possible possession, receipt and distribution of images of child pornography, a violation of 18 U.S.C. § 2252. A true and correct copy of the affidavit I executed in connection with the Search Warrant is attached hereto as Exhibit 1 and incorporated herein in its entirety. Paragraphs 7-10, inclusive, on pages 8-9, specifically address investigative activity that occurred on January 14, 2018.

5. At approximately 4:45 a.m., on April 18, 2018, other law enforcement personnel and I executed the Search Warrant. We encountered three occupants at the residence at the time of execution. In an interview with the residents, I learned that an individual by the name of Brendan SULLIVAN stayed at the residence from January 12, 2018 to January 15, 2018. I learned that SULLIVAN resided full time at 26 Watkins Road in Milton, Vermont.

6. Detective Matt Raymond is assigned to the Vermont Attorney General's Office and is the Commander of the Vermont Internet Crimes Against Children (ICAC) Task Force. Detective Raymond was present for the execution of the Search Warrant and was involved in the investigation. Detective Raymond prepared an affidavit of probable cause related to this investigation and provided that affidavit to me. Paragraphs 7(a) – 7(q), inclusive, are excerpts from Detective Raymond's affidavit:

- a. All three residents advised that they had not used the uTorrent program and had not downloaded child pornography using it. All three residents were cooperative. During the interviews we learned that Ann-Marie Osbourne performs respite care for Brendan Sullivan DOB: XX/XX/XX who resides full time with Lorie Grenier at 26 Watkins Road in Milton, VT. We were advised

that Sullivan had a history with child pornography and had stayed at the Osbourne residence in Jericho from January 12th, 2018 to January 15th, 2018. We were also advised that he had used a red Dell Laptop at that time.

- b. The residence was searched and limited on scene field examinations were conducted on the electronic devices found.
- c. Included in the items found was a red Dell Laptop Model PP33l with a service tag of 1RXZPJ1.
- d. Vermont State Police Trooper Eric Jollymore, a digital forensic examiner, conducted a limited on scene field exam of red Dell laptop. The uTorrent program was found on this device. The torrent with the info hash of Torrent info hash: f9bdba3f50bdcf205d969b32c613f1f7fbf28309 that Agent Moynihan had downloaded in this case was found on this device. Files of child pornography were also found on this device.
- e. Included in the files of child pornography found on the device were the following files that Agent Moynihan had downloaded in this case:
 - i. ((pthc)) 12yo-thai - incest - real mom & small boys.mpg
 - ii. 1hot hot hot no sound (rbv 38 kdv bibcam gerbys pthc boys hmv s00 (real).mpg
 - iii. 2 girls in shower 1 9yo and 1 11yo playing with toys child preteen sex album anal kdquality lesbian.mpg
 - iv. 2 preteen boys play with teen boy__est 17,12,10 rus gay pthc 15.40(1).mpg
 - v. ab003 (10yo olaf) s00 gerbys brn pjk kdv hmv rf# preteen boys rbv.mpg
 - vi. bibcam - 14yo boy with 8yo brother in bed (8 min).avi

- vii. bibcam - tyrone - cutest 11yo jo(white boy).avi
- viii. bibcam - webcam - 12yo kevin_full(wow!!!5+)(blonde boy blue shirt).avi
- ix. bibcam-6yo gets bj, jacks 13yo bro.avi
- x. boy kiddy pedo sebastienbleisch - erste versuche pt 4- 3 et boys (gay preteen pedo kid sex)14.32.mpg
- xi. dad fucks both (8yo & 11yo) underage daughters incest preteen illegal pthc(1).mpg
- xii. female babysitter and 11yo boy fuck- pedo pthc.avi
- xiii. gay porn - 2 boys young russian - kdv - rbv - pedo (14yo small dick blow 15yo big cock!).mpg
- xiv. good little boys p101 (pthc, gay, pedo) mikael & his friend sucks mikael's daddy (2 cums !!!).mpg
- xv. kdv 000 - missing boys+s00 lost boys vcd kdv rbv pjk s00 gerbys preteen boys hmv brn rf#.mpg
- xvi. kdv 6 - gay preteen boy 8yo fucks friend.mpg
- xvii. pedo (pthc) - dad films his son masturbating then cums (gay kiddy child underage) - no sound.mpg
- xviii. pjk 27 - 12yearold boys jacking off -- preteen gay young pedo r@ygold teen horny underage wild pjk.mpg
- xix. pthc - 9yo linda takes dad up ass and sucks his cum and swallows.mpg
- xx. pthc 2009 veci (10yo cum in mouth, good).mpg
- xxi. s8 (f) 3 boys 12yr and 13yr - pedo gay pthc boy-cubbyhole convert.mpg
- xxii. sashka 11yo&15yo brothers strip suck and fuck! - pedo gay pthc boy incest.avi
- xxiii. sex - taboo - family incest - a hot, blonde russian mom seduces her son into fucking her (7).mpg
- xxiv. two girls (11yo and 12yo)and one boy (15yo)(pthc) hussyfan masterbating and suck_complete.mpg

xxv. xpk 12 -pthc_kdv_rbv pedo -longhaired 12yo boy, sleeping 13yo - 08m50sec (40).mpg

xxvi. zooskool- (gay) man with a 13yo and a 15yo boy - luto-7 edit-vcd (pedo gay pthc boy).mpg

f. I viewed five of these files which is/are described below:

i. File Name: kdv 6 - gay preteen boy 8yo fucks friend.mpg

This is a movie file. I observed that it depicts two male children who appear to be under the age of 12. The two children masturbate each other, perform oral and anal sex.

ii. File Name: xpk 12 -pthc_kdv_rbv pedo -longhaired 12yo boy, sleeping 13yo - 08m50sec (40).mpg.

This is a movie file. I observed that it depicts two children (male and female) who appear to be under the age of 12. The two children engage in vaginal and oral sex.

iii. File Name: pthc - 9yo linda takes dad up ass and sucks his cum and swallows.mpg

This is a movie file. I observed that it depicts a female child who appears to be under the age of 13. The child is seen performing oral and vaginal sex with an adult male.

iv. File Name: kdv 000 - missing boys+s00 lost boys vcd kdv rbv pjk s00 gerbys preteen boys hmv brn rf#.mpg

This is a movie file. It depicts two male children who appear to be under the age of 13. The male children engage in oral and anal sex.

v. File Name: good little boys p101 (pthc, gay, pedo) mikael & his friend sucks mikael's daddy (2 cums !!!).mpg

This is a movie file. It depicts a male child who appears to be under the age of 10 performing oral sex on an adult male.

- g. Trooper Jollymore also found evidence of searches on this computer for how to move files onto an iPod.
- h. The red Dell laptop was seized for further examination.
- i. Ann-Marie Osborne advised that Brendan Sullivan carries an iPod with him when he comes.
- j. Agent Moynihan and I then traveled to the residence of Lorie Grenier located in Milton Vermont. We spoke with Grenier who advised: That she provides care for Brendan Sullivan who resides with her. Brendan Sullivan is placed at her residence through the Howard Center. His legal guardians are his parents Sean and Tonnie Sullivan. Brendan Sullivan stays with respite homes on the weekends. On the weekend of January 12 to January 15, 2018 Brendan Sullivan stayed with Ann-Marie Osborne at her residence in Jericho, VT. Brendan Sullivan usually carries an iPod around with him. Brendan Sullivan was currently at her son's residence (Patrick Grenier) located at 7 Lasalle Street in St Albans, VT.
- k. Lorie Grenier looked around for Brendan Sullivan's iPod and could not locate it.
- l. Agent Moynihan and I then traveled to the residence of Patrick Grenier. We were invited in and asked to speak with Brendan Sullivan. Brendan Sullivan agreed to speak with us. We asked if there was an area to speak in private and he led us to the room he stays in when he is there.

- m. Brendan Sullivan was told that he was not under arrest, was not in custody, could tell us to leave at any time and did not have to talk with us. He advised that he understood spoke with us. During the conversation he advised: That when he stayed at Ann-Marie Osborne's in January he used a red laptop to download files of child pornography. He downloaded the uTorrent program onto the laptop and used Bing to search for a torrent he is familiar with, known to him as Gerbys Shared folder. He was searching for files of boys age 9 to 15. He masturbated to the files of child pornography. He did not delete the files from the laptop. He did copy the files from the laptop to an iPod he owns. The files of child pornography are still on his iPod. He had been caught with child pornography in the past in 2014 by care providers who called the police. He was never charged criminally. He understood that he was downloading bits of the files from multiple users and that others could download the files from him at the same time. He advised he has autism, ADHD, Mood Disorder and pedophilia disorder.
- n. I asked Brendan Sullivan for permission to search his iPod for the files of child pornography. Brendan Sullivan declined to provide permission and asked us to get a search warrant to do so.
- o. Brendan Sullivan advised that he had two iPod's which were located in his duffle bag in the kitchen of the residence he was at. I asked permission to search his duffle bag to remove the iPods. I advised I would not search the iPods without a search warrant but did not want to leave them with him. I explained that he did not have to allow the search of his duffle bag and could

request us to apply for a search warrant for that as well. Brendan Sullivan advised that it was ok to retrieve the iPods and signed written consent.

- p. I located two iPods in the duffel bag which were seized.
- q. Further examination of the seized laptop will be conducted. A search warrant will be sought to search the iPods.

7. I have viewed the files referenced above by Detective Raymond and based on my training and experience, I believe these to be files of child pornography.

8. On April 18, 2018, Detective Raymond arrested SULLIVAN for violations of Five Counts of Promoting a Recording of Sexual Conduct of a Child in violation of 13 V.S.A. § 2824 and Five Counts of Possession of Child Pornography in violation of 13 V.S.A. § 2827.

9. On October 1, 2018, I obtained a warrant to search the Grenier residence, located at 26 Watkins Road, in Milton, Vermont (the Search Warrant #2), for evidence related to the possible possession, receipt and distribution of images of child pornography, a violation of 18 U.S.C. § 2252. A true and correct copy of the affidavit I executed in connection with Search Warrant #2 is attached hereto as Exhibit 2 and incorporated herein in its entirety.

10. At approximately 6:02 a.m., on October 2, 2018, other law enforcement personnel and I executed Search Warrant #2. We encountered two occupants home at the time of the execution, Lorie Grenier and Danny Weston. Lorie Grenier recognized Detective Raymond and me from the previous investigation in April 2018.

11. Detective Raymond and I explained to Lorie Grenier that files of child pornography had been downloaded from an IP address associated with her address. Lorie Grenier told Detective Raymond and me that Brendan SULLIVAN had spent the previous night at his mother's residence in Milton, Vermont, and was not due to be back to the residence located at 26

Watkins Road in Milton, Vermont until later in the day. Grenier advised Detective Raymond and me that SULLIVAN did not have access to any of the electronic devices located in the residence. Grenier also stated that the other bedrooms in the residence are kept locked and SULLIVAN is not allowed in the other rooms. Detective Raymond and I confirmed what Lorie Grenier told us, by speaking with Danny Weston.

12. Devices belonging to Danny Weston were searched on-scene and there was no evidence of child pornography files or the BitTorrent network located on his devices.

13. Later in day on October 2, 2018, Detective Raymond was contacted by Lorie Grenier and was told that SULLIVAN had returned to the residence at 26 Watkins Road in Milton, Vermont.

14. Detective Raymond, other law enforcement personnel, and I traveled back to the residence at 26 Watkins Road in Milton, Vermont. Detective Raymond and I entered the residence and spoke with Brendan SULLIVAN. SULLIVAN asked to speak to us privately in his room. SULLIVAN was advised that he was not currently under arrest, he did not have to speak to us, and he could end the conversation at any time. During our conversation, SULLIVAN stated the following:

- a. In the beginning of August 2018, he picked the lock to the bedroom of Kaitlyn Grenier (Lorie's daughter) in order to gain entry. He stated he would take her Kindle Fire back to his room. He used uTorrent and TorrDroid to download files of child pornography.
- b. He also stated that he masturbated to the files of child pornography.
- c. When searching for torrents, he would search for "preteen".

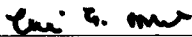
- d. After viewing the files, he would delete the files and the programs off of the Kindle Fire and return the device to Kaitlyn Grenier's bedroom. He would then lock her bedroom door again.
- e. SULLIVAN stated that this behavior occurred almost nightly when staying at this residence.
- f. He also stated that he knew how to obtain the password to the Internet through using the Comcast Xfinity devices.

15. When asked what would prevent him from doing this again in the future, SULLIVAN said nothing, unless he was moved to a residence with more restrictions as it was too easy for him to get access to the Internet and devices.

16. SULLIVAN accessed the Internet and used the uTorrent program to download images and videos of child pornography. Based on my training and experience, I know that the Internet is a facility of interstate and foreign commerce.

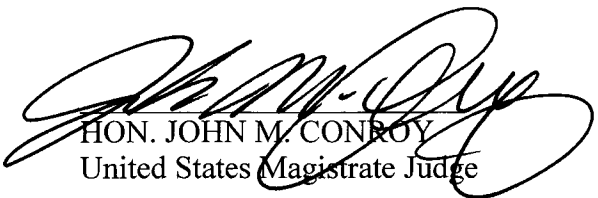
17. Based on the foregoing, I believe there is probable cause to believe that Brendan SULLIVAN has knowingly possessed visual depictions that have been shipped or transported using any means or facility of interstate commerce, including by computer, and the production of

18. such visual depictions involved the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct in violation of 18 U.S.C. § 2252(a)(4)(B).



CAITLIN MOYNIHAN
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me this 8th day of January, 2019.



HON. JOHN M. CONROY
United States Magistrate Judge